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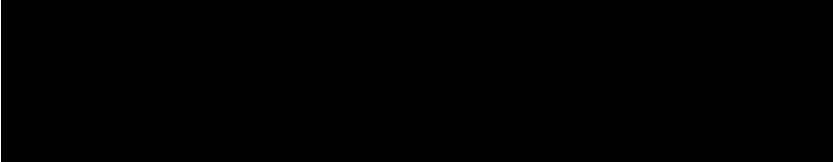
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U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

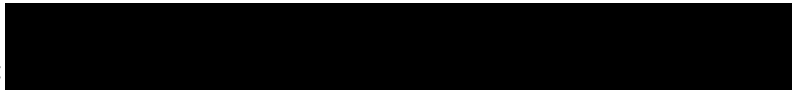


U.S. Citizenship
and Immigration
Services



FILE: SRC 02 248 51913 Office: TEXAS SERVICE CENTER Date: SEP 11 2007

IN RE: Petitioner:
Beneficiary:



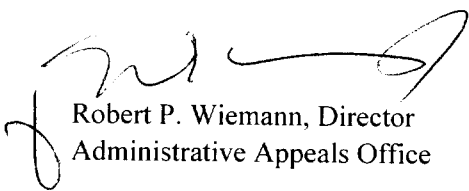
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

ON BEHALF OF PETITIONER:

SELF-PETITIONER

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the petition for a nonimmigrant visa. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner filed this nonimmigrant petition seeking to extend the employment of its operations manager as an L-1A nonimmigrant intracompany transferee pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(L). The petitioner is a corporation organized in the State of Florida that is operating as an events and marketing firm. The petitioner claims that it is a branch of the beneficiary's foreign employer, located in Bogota, Columbia. The petitioner now seeks to extend the beneficiary's stay for three years.

In a decision dated January 8, 2003, the director denied the petition stating that the beneficiary would be employed by the U.S. entity as a first-line supervisor, as he would be overseeing a promotional manager and activities coordinator only. The director concluded that the beneficiary would not be employed by the U.S. entity in a primarily managerial or executive capacity, and consequently, denied the petition.

On the Form I-290B appeal, the petitioner states the following:

As president and general manager of [the petitioning organization], [the beneficiary] is not only involved in the [sic] directing the company, but he is also the person responsible for developing the idea of a kind of fair that will attract investors and sponsors, he lays out the plan and from there assigns the different department managers to developing his idea into reality, he is stil [sic] the person responsible for dealing with the major investors and sponsors to offer a greater guarantee [sic], as well as gaining interest of sponsors by socializing and dealing with very important people in different fields depending on the fair or activity that is being presented.

* * *

[The beneficiary] is an excellent executive who has tremendous knowledge in this area[.] [T]he company not only depends on him but the future of this company depends on a go getter with inspiration and ideas, capability of running a company and directing all department managers in completing the tasks and successfully bring [sic] about all the events this company represents.

To establish eligibility under section 101(a)(15)(L) of the Act, the petitioner must meet certain criteria. Specifically, within three years preceding the beneficiary's application for admission into the United States, a firm, corporation, or other legal entity, or an affiliate or subsidiary thereof, must have employed the beneficiary for one continuous year. Furthermore, the beneficiary must seek to enter the United States temporarily to continue rendering his or her services to the same employer or a subsidiary or affiliate thereof in a managerial, executive, or specialized knowledge capacity.

Upon review, the AAO concurs with the director's decision and affirms the denial of the petition.

Regulations at 8 C.F.R. § 103.3(a)(1)(v) state, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact made by the director in this proceeding, the appeal must be summarily dismissed. The petitioner did not address on appeal the director's finding that the beneficiary would be acting as a first-line supervisor. Nor did the petitioner provide an explanation of the job duties performed by the beneficiary's subordinates that would warrant a finding that the beneficiary is employed in a managerial capacity. *See* 8 C.F.R. § 214.2(l)(1)(ii)(B)(4) (noting that supervised employees must be professional in order for a first-line supervisor to be considered as acting in a managerial capacity). For this reason, the appeal will be summarily dismissed.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not met this burden.

ORDER: The appeal is summarily dismissed.